

# United States Patent and Trademark Office

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UNITED STATES PATENT AND TRADEMARK OFFICE

WASHINGTON, D.C. 20231 WWW.uspto.gov

APPLICATION NUMBER FILING DATE GRP ART UNIT FIL FEE REC'D ATTY.DOCKET.NO DRAWINGS TOT CLAIMS IND CLAIMS 09/913,522 11/08/2001 1614 611 9052.88 6 25 1

20792 MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627



CONFIRMATION NO. 9501

FILING RECEIPT

0C00000007348724\*

Date Mailed: 01/28/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

John Findlay, Leeds, UNITED KINGDOM;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/GB00/00517 02/17/2000

RECEIVED

FEB - 9 2005

Foreign Applications

UNITED KINGDOM 9903584.2 02/18/1999

TECH CENTER 1600/2900

Projected Publication Date: Not Applicable, filed prior to November 29,2000

RECEIVED

Non-Publication Request: No

FEB 2 5 2005

Early Publication Request: No

TECH CENTER 1600/2900

\*\* SMALL ENTITY \*\*

Title

Modified calycins

**Preliminary Class** 

514

DOCKETED BY\_Mal\_ DATE 2-5-02



#### **GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

#### United States Patent and Trademark Office

Contrassioner for Patents, Box PCT United States Patent and Trademark Office Washington, D.C. 2023

U.S. APPLICATION NUMBER NO. FIRST NAMED APPLICANT ATTY DOCKET NO. 09/913,522 John Findlay 9052.88

INTERNATIONAL APPLICATION NO.

PCT/GB00/00517

LA. FILING DATE PRIORITY DATE

02/17/2000

02/18/1999

**CONFIRMATION NO. 9501** 371 ACCEPTANCE LETTER 

\*OC000000007348725\*

20792 MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428



Date Mailed: 01/28/2002

RALEIGH, NC 27627

03-06-02P05:03 RCVD

# NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494 OR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>11/08/2</u>001

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS

11/08/2001

DATE OF RECEIPT OF ALL 35 U.S.C. REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- U.S. Basic National Fee
- Indication of Small Entity Status
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Small Entity Statement

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

DEBORAH D WILLIAMS Telephone: (703) 305-3744

PART 1 - ATTORNEY/APPLICANT COPY

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:

John Findlay

Art Unit: 1614

Serial No.:

09/913,522

Filed:

November 8, 2001

For:

**MODIFIED CALYCINS** 

April 25, 2003

Commissioner for Patents Washington, DC 20231

#### **STATUS INQUIRY**

Mo	re than 6 months have passed since
	NEW APPLICATIONS
	the filing of this application on
	No communication has been received from the Patent and Trademark Office indicating action on this application.
$\boxtimes$	AMENDED APPLICATIONS
	the filing of a response to the Notification of Defective Response on October 24, 2002.  No further communication has been received from the Patent and Trademark Office.
	APPEALED APPLICATION
	The Revised Appeal Brief was filed on (check and complete applicable items below)
	An Examiner's Answer was mailed on
٠	A Reply to the Examiner's Answer was submitted on
	ALLOWED APPLICATIONS
	the mailing of FORM PTOL-327 and/or Examiner's Amendment on
	dly advise the undersigned of the present status of this application, by checking the ropriate box on the next page.
20	Shawna Cannon Lemon, Reg. No. 53,888
/ / / /	177.

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on April 25, 2003.

Vickie Diane Prior

PATENT TRADEMARK OFFICE

2.

Date of Signature: April 25, 2003

In re: John Findlay Serial No.: 09/913,522 Filed: November 8, 2001

# STATUS INQUIRY REPLY

PPLICATION SERIAL NO. 09/913,522 IS CURRENTLY
ASSIGNED TO GROUP AND AWAITS:
ACTION BY THE EXAMINER
APPLICANT'S RESPONSE TO THE OFFICE ACTION MAILED
OTHER:
APPEAL NO
AWAITING ACTION BY THE BOARD OF PATENT APPEALS AND INTERFERENCES
DATE OF HEARING EXPECTED
DECISION EXPECTED

9052.88/SCL:vp April 25, 2003

Commissioner for Patents Washington, DC 20231

Sir: Kindly acknowledge receipt of the accompanying by placing your

receiving date stamp hereon and mailing:

Re: Findlay; Int'l App PCT/GB00/00517; S/N 09/913,522; Int'l Filing Date 02/17/00

STATUS INQUIRY

Respectfully, MYERS BIGEL SIBLEY & SAJOVEC, P.A. Attorneys for Applicant

Commissioner for Patents Washington, DC 20231

9052.88/SCL:vp April 25, 2003

05-06-03 A08:55 IN

Kindly acknowledge receipt of the accompanying by placing your Sir: receiving date stamp hereon and mailing: Re: Findlay; Int'l App PCT/GB00/00517; S/N 09/913,522 Date 02/17/00

STATUS INQUIRY

Respectfully, MYERS BIGEL SIBLEY & SAJO Attorneys for Applicant

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Findlay

Serial No.: 09/913,522 Filed: November 8, 2001

For: MODIFIED CALYCINS

Confirmation No. 9501

Examiner: Deborah D. Williams

Group Art Unit: 1614

July 21, 2004

Mail Stop Sequence Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

# RESPONSE UNDER 37 CFR §1.825(d) AND STATEMENT IN SUPPORT OF FILING A SUBSTITUTE SEQUENCE LISTING UNDER 37 CFR § 1.821(f)

Sir:

In response to the Notification of Defective Response ("Notification") dated June 22, 2004, attached are substitute paper and computer readable copies of the sequence listing for the above-identified application. The undersigned wishes to note that the Notification indicated that a CRF Diskette Problem Report ("CRFDPR") was attached. However, the CRFDPR was not received by the undersigned with the Notification. Telephone calls were placed to U.S. Patent and Trademark Office ("USPTO") employee Deborah D. Williams on June 28, July 12 and July 21, 2004, requesting a copy of the CRFDPR. However, as of the date of this submission, a copy of the CRFDPR has not been received. In view of the nonextendible deadline of July 22, 2004, the items being submitted herewith are identical to those items previously submitted on October 24, 2002. Should these documents not meet USPTO requirements, the undersigned respectfully requests the issuance of another Notification from the USPTO.

I hereby state that the content of the paper and computer readable copies of the substitute sequence listing, submitted in accordance with 37 CFR §1.821(c) and (e), are the same. I also hereby state as required by 37 CFR § 1.821(h) that the paper and computer readable copies contain no new matter, nor do they go beyond the disclosure of the application as filed.

In re: Findlay

Serial No.: 09/913,522 Filed: November 8, 2001

Page 2 of 2

It is not believed that any fee(s) are required for submission of this paper.

However, any fees believed to be due in connection with this paper may be charged to our Deposit Account No. 50-0220.

Respectfully submitted,

Shawna Cannon Lemon Registration No. 53,888

#### Customer Number 20792

Myers Bigel Sibley & Sajovec, P.A. P.O. Box 37428, Raleigh, NC 27627 919-854-1400 919-854-1401 (Fax)

#### CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 472534725 US

Date of Deposit: July 21, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop Sequenge, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Susan E. Freedman

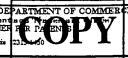
Date of Signature: July 21, 2004





### United States Patent and Trademark Office

UNITED STATES DE United States Patent Address: COMMISSIONER P.O. Box 1450 Alexandra, Virginia www.usplu.gav



U.S. APPLICATION NUMBER NO.

FIRST NAMED APPLICANT

9052.88

09/913,522

John Findlay

INTERNATIONAL APPLICATION NO.

PCT/GB00/00517

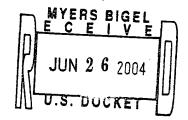
LA. FILING DATE

PRIORITY DATE

02/17/2000

02/18/1999

20792 MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627



CONFIRMATION NO. 9501 371 FORMALITIES LETTER

\*OC000000013021314\*

Date Mailed: 06/22/2004

#### NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- · Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 08/13/2001
- Copy of the International Search Report filed on 08/13/2001
- Copy of IPE Report filed on 08/13/2001
- Preliminary Amendments filed on 08/13/2001
- Information Disclosure Statements filed on 08/13/2001
- Biochemical Sequence Diskette filed on 10/28/2002
- Oath or Declaration filed on 11/08/2001
- Biochemical Sequence Listing filed on 10/28/2002
- Small Entity Statement filed on 08/13/2001
- Copy of references cited in ISR filed on 08/13/2001
- U.S. Basic National Fees filed on 08/13/2001

Applicant's response filed 10/28/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 02/27/2002 have not been completed.

The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

The following items MUST be furnished within the period set forth below:

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- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
  - APPLICANT MUST PROVIDE:

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase Patentin Software, call (703) 306-2600
  - For Patentin Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

DEBORAH D WILLIAMS

Telephone: (703) 305-3744

#### PART 1 - ATTORNEY/APPLICANT COPY

U.	S. APPLICATION NUMBER, NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
	09/913,522	PCT/GB00/00517	9052.88

FORM PCT/DO/EO/916 (371 Formalities Notice)

**ELOPPY DISK/CD MAILER • DO NOT FOLD OR BEND** PULL TO OPEN LOID ON SCOKE S MAIL Diskette Ref. No: 9052.88 Floppy Disk/CD Mailer Applicant: Findlay, John Title: MODIFIED CALYCINS Filing Date: November 8, 2001 Date Recorded: July 9, 2004 Computer: IBM NetVista Operating System: Windows 2000 DO NOT BEND OR FOLD AVOID EXPOSURE TO ALL MAGNETIC FIELDS

#### SEQUENCE LISTING

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SCL:sef

9052-88 July 21, 2004

Mail Stop Sequence Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Kindly acknowledge receipt of the accompanying by placing your receiving date stamp hereon and mailing:

Response Under 37 CFR §1.825(D) And Statement In Support Of Filing A Substitute Sequence Listing Under 37 CFR § 1.821(F); Copy-Notification of Defective Response; paper and computer readable copies of sequence listing; In re: Findlay; Serial No. 09/913,522; Filed February 17, 2000; For: MODIFIED CALYCINS

Respectfully submitted, MYERS BIGEL SIBLEY & SAJOVEC

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FEB 2 5 2005

TECH CENTER 1600/2900

EV 472534725 US

Mailing Label Label 11-F June 2002

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